

## Remarks

This amendment and the accompanying remarks respond to the Office Action mailed April 9, 2003. Reconsideration of this application is respectfully requested.

### ***Claim Rejections - 35 USC § 112***

The Examiner rejected claim 27 under 35 U.S.C. §112, ¶2, as being indefinite. Claim 27 has been amended for clarity. Therefore, the rejection should be withdrawn.

### ***Claim Rejections - 35 USC § 102 and § 103***

The new claims patentably distinguish over the prior art of record. For example, claim 70 recites:

A plant container comprising a receptacle having a top opening, a bottom, and a top flap of sufficient size to cover a plant placed in the receptacle, the receptacle and flap including a front panel and a back panel, each of the front and back panels including a first edge connected together and a second edge connected together, a fold that is transverse to the first edge and that does not intersect the second edge, the top flap being formed by a portion of the front panel and a portion of the back panel.

The prior art of record has not been found to disclose, at least the following claim elements: "the receptacle and flap including a front panel and a back panel, each of the front and back panels including a first edge connected together and a second edge connected together" and "a fold that is transverse to the first edge and that does not intersect the second edge, the top flap being formed by a portion of the front panel and a portion of the back panel". Accordingly, Applicant respectfully submits that claim 70 and the claims depending therefrom are patentable over the prior art of record.

Likewise, claim 83 recites:

A plant container comprising a receptacle having a top opening, a bottom, and a top flap of sufficient size to substantially cover a plant placed in the receptacle, the receptacle and top flap formed from a portion of each of the front and back panels, each of the front and back panels including at least a first edge and a second edge, wherein the first edges of the panels and the second edges of the panels are connected to each other.

The prior art of record has not been found to disclose at least, "the receptacle and top flap formed from a portion of each of the front and back panels". Accordingly, Applicant respectfully submits that claim 83 and the claims depending therefrom are patentable over the prior art of record.

***Allowable Subject Matter***

The Applicant amended claims 26, 27, 34, 35, and 62 to comply with the Examiner's objections, and should therefore be in condition for allowance.

***Conclusion***

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

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